

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PARALLEL NETWORKS, LLC,
v.

AMAZON.COM, INC., GOOGLE INC., and
KAYAK SOFTWARE CORPORATION

NO. 6:09-cv-154-LED

JURY TRIAL DEMANDED

AGREED MOTION FOR DISMISSAL WITHOUT PREJUDICE

Plaintiff/Counterclaim Defendant, Parallel Networks, LLC, and
Defendants/Counterclaimants Amazon.com, Inc., Google Inc. and Kayak Software Corporation,
respectfully submit the following:

In view of the withdrawal of Plaintiff's counsel, the Court has stayed all current deadlines for 45 days and ordered the parties to submit an agreed Amended Docket Control Order (Dkt No. 46).

Pursuant to Fed. R. Civ. P. 41(a)(2) and (c), Plaintiff and Defendants hereby move for an order dismissing all claims and counterclaims in this action WITHOUT PREJUDICE, with each party to bear its own costs, expenses and attorneys fees.

The Parties stipulate that each Party (including any former and current attorneys) will, within five (5) business days of an order granting this motion, return and/or provide written certification of destruction of all documents (including any copies) bearing any confidentiality designation received from another Party during the course of the present litigation. Plaintiff agrees to notify all of its prior counsel of the Parties' agreement in this regard. Nothing herein shall require the destruction of a Party's own documents.

Defendants further stipulate that neither they nor any affiliates under their control will, during the next 120 days, file any declaratory judgment actions against Plaintiff involving U.S.

Patent No. 6,446,111 (the “111 patent”), although nothing shall restrict Defendants from declaratory judgment counterclaims should Plaintiff file another suit involving the ‘111 patent. The Parties further stipulate that, as Plaintiff is dismissing the present action, no Defendant shall be required to maintain any litigation-related holds or undertake any document preservation efforts in anticipation of further litigation respecting the ‘111 patent beyond one hundred eighty (180) days following dismissal (if granted) under the present motion.

February 2, 2010
AMAZON.COM, INC.
GOOGLE INC.
KAYAK SOFTWARE CORPORATION

By their attorneys,

s/ Ruffin B. Cordell

Ruffin B. Cordell (cordell@fr.com)
Texas Bar No. 04820550
Indranil Mukerji (mukerji@fr.com)
(Admitted pro hac vice)
FISH & RICHARDSON PC
1425 K Street NW, Suite 1100
Washington D.C. 20005
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Neil J. McNabnay (mcnabnay@fr.com)
Texas Bar No. 24002583
FISH & RICHARDSON PC
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

Stephen A. Marshall (smarshall@fr.com)
(Admitted pro hac vice)
FISH & RICHARDSON PC
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Respectfully submitted,

s/ Andrew W. Spangler (by permission)

Andrew W. Spangler
State Bar No. 24041960
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@spanglerlawpc.com

COUNSEL FOR PLAINTIFF
PARALLEL NETWORKS LLC

CERTIFICATE OF CONFERENCE

I hereby certify that Counsel for Plaintiff and Defendants have conferred by phone in accordance with Local Rule CV-7, and that this Motion is unopposed.

February 2, 2010

s/ Andrew W. Spangler (by permission)

Andrew W. Spangler

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

February 2, 2010

s/ Jill Callaghan

Jill Callaghan